

REMARKS/DISCUSSION OF ISSUES

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Examiner is respectfully requested to acknowledge acceptance of the drawings.

Claims 1-3, 6-10, 12, 13 and 24 are rejected. Claims 1 and 13 are currently amended. Claims 12 and 24 are currently cancelled. Claims 1-3, 6-10 and 13 remain pending in the application.

Claims 1-3, 6, 7, 9, 10 and 12 are rejected under 35 USC 102(b) as being anticipated by Birmingham.

Claims 1-3, 6, 7, 9, 10 and 12 are rejected under 35 USC 102(b) as being anticipated by Birmingham.

Birmingham teaches improving a known laser-markable fluoropolymer composition containing TiO_2 by coating the TiO_2 particles with an organo silane (col. 2, line 23).

As previously pointed out, fluoropolymers are carbon-based polymers characterized by an organic main chain, as opposed to Applicant's laser-markable composition, which is a polymer with an inorganic main chain.

The Examiner urges that Birmingham teaches that the main chain may be organic or inorganic, citing col. 5, lines 21-39. However, this passage refers to the polysiloxane used in a mixture with organo silane to coat the TiO_2 pigment particles, and does not refer to the laser-markable fluoropolymer.

In order to make this distinction more clear, claim 1 has been amended to call for the carrier of the laser-markable

layer to be a metal or a metal alloy, and claims 12 and 24 have been cancelled. Support for this amendment may be found, for example, in the paragraph beginning at line 30 of page 2 of Applicant's specification.

By this amendment, it is clear that the TiO₂ pigment particles of Birmingham, which are oxide particles, cannot be confused with the carrier of Applicant's claims, which is a metal or metal alloy.

Since Birmingham does not teach a polymer layer with an inorganic main chain on a metal carrier, the claims are not anticipated by the reference, and it is urged that the rejection be withdrawn.

Claims 1-3, 6, 8, 12 and 24 are rejected under 35 USC 102(b) as being anticipated by Robertson.

Claims 1-3, 6, 8, 12 and 24 are rejected under 35 USC 102(b) as being anticipated by Robertson.

Robertson teaches a method for the laser marking of a coated surface. Robertson does not explain how the coated surface is obtained. Moreover, Robertson teaches that the surface should be highly reflective to red light (col. 5, line 30).

In contrast, Applicant claims that the outer surface is formed by a sol-gel process, which produces a dull-translucent surface.

The Examiner maintains that Robertson teaches a surface having a low reflectivity (dull-translucent) outside of red light. This is not true. Robertson teaches that the surface should be highly reflective to the red light used to read bar codes. For such purposes, white or red coatings are preferred.

However, for human readable characters, white backgrounds are preferred (col. 5, lines 30-34).

Thus, Robertson does not teach that the surface should have a low reflectivity outside of red light. In fact, the statement that white coatings are preferred for human readable characters, without any further qualifications as to reflectivity, implies that highly reflective coatings are also preferred for human readable characters.

Moreover, Applicant's claims are not limited to any particular wavelength of light used to view the surface, and thus encompass all parts of the spectrum, including red light.

Moreover, while the claims call for the appearance of the layer to be 'dull', which can mean 'low reflectivity', the claims also call for the layer to be 'translucent', which means a state in which a body is partially transparent and partially opaque, having an overall quality of diffusiveness to light. The term 'dull-translucent' thus encompasses both the condition of the surface of the layer and also the condition of the body of the layer.

Robertson mentions only the surface condition of his coatings, i.e., that they should be highly reflective to red light, and accordingly does not teach or suggest anything with respect to a 'dull-translucent' state.

Thus, Robertson does not anticipate a laser-markable material with a dull-translucent surface, and it is urged that the rejection is in error and should be withdrawn.

Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Robertson.

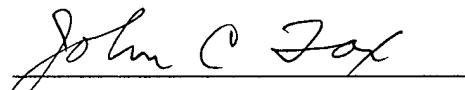
Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Robertson.

In view of the amendment to claim 1, and the cancellation of claims 12 and 24, claim 13 has been made dependent directly on claim 1.

Robertson does not teach or suggest an anodized coating. Accordingly, it is urged that the rejection is in error, and should be withdrawn.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance.

Respectfully submitted,



John C. Fox, Reg. 24,975
Consulting Patent Attorney
203-329-6584